

REMARKS

Applicant has amended the claims 1 through 6 and 8. Applicant respectfully submits that the amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

Firstly, Applicant would like to thank the Examiner for his Advisory and Applicant has amended the dependency of claim 8 so that it will not be a substantial duplicate of claim 6.

The Examiner has also rejected the claims 1 through 6 and 8 under 35 USC 103 as being obvious over Burgmann stating that Burgmann discloses a sealing device comprising a rotor 25d mounted to a shaft 3 and a stator 6d mounted to the housing 2, a movable floating ring 19d mounted in a seal gap formed between the rotor and the stator, a sealer 10d on the rotor that contacts a face of the stator 11d when the shaft is stopped and that is spaced apart from the face due to centrifugal force when the shaft rotates (see column 4, lines 30-33 and 56-59), the floating ring has an annular notch and a concavoconvex pattern 23d on its surface and the gap and ring varies in diameter from the left to the right and the floating ring appears to have a length greater than the thickness but while Burgmann does not specifically disclose the ratio of at least 3:1, it is the Examiner's opinion that it would have been obvious to one of ordinary skill in the art to develop the optimal or workable ranges by routine experimentation.

In reply to this rejection, Applicant would like to incorporate by reference his comments concerning the same rejection from Applicant's response of July 8, 2008. In addition to those comments, Applicant directs the Examiner's attention to column 7, lines 30-33 wherein it states:

"It is thereby brought about that the spiral spring is not detached from the sealing lip under the action of centrifugal force, but rather favors its lifting from the sliding surface when the shaft rotates".

The Examiner has relied upon this portion to indicate that the sealing lip 10d of Burgmann separates or is spaced apart from the face due to centrifugal force when the shaft rotates. Applicant respectfully submits that this portion is discussing the "spiral spring" and at best is confusing relative to the seal lip. Accordingly, Applicant still respectfully submits that

Burgmann does not teach that the seal lip is spaced apart from the face when the shaft rotates. Still further, Applicant respectfully submits that the particular ratio of thickness to length of Applicant's invention provides certain advantages to Applicant's invention which is clearly described in paragraph [0036] of Applicant's application and there is no teaching in Burgmann concerning this advantage. However, the Examiner suggests that the particular width to length ratio could be for "the clearance between the housing and the shaft may be smaller and require a radially thinner ring/seal assembly overall". As is clear from Applicant's paragraph [0036], this is not the reason for the dimensions of the floating ring.


Finally, Applicant respectfully submits that the floating ring of Applicant's invention is now clearly defined as being rotatable and not merely "movable" and clearly defines that the floating ring is out of contact with the stator.

In view of the above, therefore, Applicant respectfully submits that the claims 1 through 6 and 8 are not obvious over Burgmann.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

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